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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA

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9 ADRIAN AGUILAR, individually and on  
behalf of all others similarly situated,

10 Plaintiffs,

11 v.

12 CSK AUTO, INC., O'REILLY  
13 AUTOMOTIVE STORES, INC., and  
DOES 1-10, inclusive,

14 Defendants.  
15  
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CASE NO. 3:17-CV-04263-RS

~~[PROPOSED]~~ ORDER GRANTING  
STIPULATION TO EXTEND STAY OF  
ACTION PENDING ACTION BY THE  
NINTH CIRCUIT COURT OF APPEALS


17  
18 On January 9, 2018, Plaintiff ADRIAN AGUILAR ("Plaintiff"), and Defendants CSK  
19 AUTO, INC., now known as O'Reilly Auto Enterprises, LLC, and O'REILLY AUTOMOTIVE  
20 STORES, INC. (collectively, "O'Reilly"), filed a stipulation to extend the stay in this action  
21 pending resolution of a Rule 23(f) petition for immediate appeal by the Ninth Circuit Court of  
22 Appeals in a first-filed action. Having read and considered the parties' stipulation, and finding  
good cause therefore, **IT IS HEREBY ORDERED THAT:**

23 1. This stay currently in place in this action shall be continued and extended, for all  
24 purposes, for a period of ninety (90) days from the entry of this Order.

25 2. If the Ninth Circuit denies the plaintiff's Rule 23(f) petition in the Davidson  
26 Action during the pendency of the stay in this action, the stay shall be lifted and O'Reilly shall  
27 have 30 days to answer or otherwise respond to Plaintiff's operative pleading in this action; and,  
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1           3.       That initial case management conference and all other deadlines in this action are  
2 hereby vacated. A status conference will be held on April 12, at 10:00 am,  
3 to address the status of the class certification proceedings in the Davidson action, and the  
4 potential interlocutory appeal of the same, and, if appropriate, to set new dates in this action.

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6 DATED: 1/9/18

  
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HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE